

Stockholm & Brussels, 06 December, 2012

To: The Fisheries Ministers of the EU Member States

Re: [Input to the EU Fisheries Council Meeting, 18–20 December 2012](#)

Dear Minister,

On behalf of the Fisheries Secretariat (FISH) and Seas At Risk (SAR) we send you our recommendations for the upcoming Fisheries Council regarding the European Commission's proposal for fixing for 2013 the fishing opportunities in EU waters (COM(2012)608). We ask you to support our recommendations in your deliberations at the Council meeting in order to ensure more sustainable utilisation of our common marine resources.

We would like to state our general support for the Commission's proposal and its underlying approach. Therefore, we urge you to base your decisions for the 2013 fishing opportunities on the following general principles:

- that catch limits are in line with scientific advice from ICES and STECF, applying F_{MSY} for stocks for which this mortality level has been established;
- that existing long-term recovery/management plans are followed, provided that they are consistent with the MSY framework, or at least the precautionary approach;
- that catch limits are reduced for stocks of which the status relative to (proxies of) MSY is unknown.

We re-iterate the need to align EU fisheries management areas with the ICES assessment areas and functional units, in order to enable better application of scientific information to management. This is especially important in the case of nephrops in southern waters. Given that increasingly data is not available for certain stocks, such as southern hake and nephrops, we want to emphasise once more the need to improve data availability, and hope that the current review of the data collection framework will contribute to this.

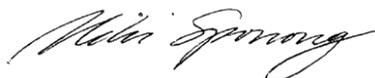
Due to the large number of stocks covered by this proposal, we have chosen to limit our detailed recommendations to a few species which in our opinion require particular attention.

- For **cod**, we call on you to close the targeted fishery in the Irish Sea (VIIa), the Kattegat (IIIa East), West of Scotland (VIa), as well as the Faroe Plateau and Faroe Bank (Vb1 and Vb2). As a reduction of the high levels of bycatch of juvenile cod is crucial for the recovery of cod stocks, we also urge you to adopt complimentary management measures such as the mandatory use of the best available selective gears, real time closures and closures of mixed fisheries as soon as one of the TACs has been exhausted.

- For **haddock**, we ask you to follow the Commission proposal and set a TAC of 3 100 tonnes for West of Scotland (VIa) and Faroes waters (Vb), and to ensure that no targeted fishery takes place in Faroes waters in order to protect the spawning stock biomass that has been decreasing since 2003.
- For **anglerfish**, we urge you to follow the TAC reductions proposed by the Commission and reduce the TAC by 16% for areas VIIIc, IX and X, not exceeding 2 090 tonnes for the combined species, taking into account the vulnerable nature of European anglerfish species and the uncertainty in data on these stocks.
- For **sole**, we urge you follow scientific advice and set a zero TAC in the Irish Sea (VIIa) in order to protect the remaining spawning stock biomass and prevent significant impact on benthic communities by beam trawling. We also call on you to support the Commission proposal for a TAC of 3 000 tonnes in the Bay of Biscay (divisions VIIIa and b), in order to achieve FMSY by 2013.
- For **southern hake** in divisions VIIIc and IXa, we urge you to follow scientific advice on transition to the MSY framework and set a TAC of 10 600 tonnes.
- For **nephrops**, we ask you to follow the Commission proposal, which is in line with the scientific advice, and set the TAC to 3 200 tonnes in VIIIabde and to zero in VIIIc, as well as in areas IX and X, until management units are adapted to the functional units used in the scientific advice. In addition, we ask you to consider the mandatory use of the best available selective gears to minimise the bycatch of juveniles and other commercial species.

See Annex 1 for more detailed comments on fishing possibilities in EU waters for 2013.

Yours sincerely,



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Annex 1: On Council Regulation fixing for 2013 the fishing opportunities for certain fish stocks and groups of fish stocks, which are not subject to international negotiations or agreements (COM(2012)608)

At the upcoming meeting on 18-20 December, the Fisheries Council will agree on fishing opportunities for 2013 for EU stocks in Atlantic waters. Due to the large number of stocks covered by this proposal, we only provide detailed recommendations on a few species which in our opinion require particular attention.

OVERALL COMMENTS ON THE PROPOSAL

We would like to state our general support for the Commission's proposal, which is ambitious overall. The proposed fishing opportunities are based on management plans where in place, on scientific advice for the MSY approach when provided, and are reduced for stocks of which the status relative to (proxies of) MSY is unknown. If adhered to, it would take the EU some further steps towards more sustainable fisheries and attainment of international targets.

For a large number of stocks, advice on how to achieve MSY is still not available – and this is worrying. However, for stocks where advice is available, the Commission is proposing fishing opportunities which would result in fishing mortality rates estimated to enable stocks to recover to levels achieving Maximum Sustainable Yield (F_{MSY}) by 2013. This is in line with the commitment to achieve B_{MSY} by 2015 made at the World Summit on Sustainable Development in Johannesburg 2002, and we support that.

The situation of many EU cod stocks is still very poor. We appreciate that the Commission is proposing a closure of the cod fishery in the waters west of Scotland, where according to scientific advice the stock is in a particularly dire state, but regret that it is not proposing the same for cod in the Kattegat and the Irish Sea, haddock in Faroese waters and sole in the Irish Sea.

We notice that increasingly data is not available for certain stocks, such as southern hake and nephrops. As we already outlined in our policy briefing on the Commission communication concerning a consultation on fishing opportunities for 2013 (COM(2012)287), it is not acceptable that 65% of stocks are not fully assessed and fewer stocks can be classified according to “safe biological limits” than in 2003.

While we welcome the efforts of ICES to compensate for the data-limited status of these stocks with new assessment methods, more thorough assessments of European fish stocks are still needed, and therefore the data availability needs to be improved. We hope that the current review of the data collection framework will address this problem and also improve the contribution of data by the Member States.

DETAILED SPECIES RECOMMENDATIONS

Cod (*Gadus morhua*)

The Spawning Stock Biomass (SSB) of several of the cod stocks covered by this proposal is below the precautionary level, including stocks in the Irish Sea, West of Scotland and Kattegat. For these stocks, ICES has in recent years repeatedly recommended a total allowable catch (TAC) of zero.

Immediate challenges, particularly for these cod stocks, are the high levels of bycatch of juveniles and subsequent discarding in targeted trawl fisheries. Merely reducing the TAC will not sufficiently reduce mortality, as large amounts of cod are also caught in the haddock, whiting, plaice, sole and nephrops fisheries. When the annual quota for cod is exhausted, the discarding of cod is likely to increase. Complimentary measures, such as mandatory use of the best available selective gears, real-time closures and closure of the mixed fisheries as soon as one of the TACs is reached should be considered. We also urge decision-makers to implement and develop discard bans as soon as possible.

Cod in division IIIa East (Kattegat)

The Kattegat cod stock has seen a fivefold reduction in SSB since the 1970s and has remained at a historical low since 2000, despite the existence of a long-term management plan since 2005¹. The management measures in the plan and the implementation of them therefore appear to be largely ineffective (ICES, 2012²). ICES considers the SSB to be far below the limit for risk of depletion and classifies the stock as suffering from reduced reproductive capacity. Total landings are estimated to be as high as ten times the allocated TAC³.

Based on the above, the ICES advice for 2013 is to prohibit directed catches and to minimise bycatch and discards. Moreover, tagging studies conducted in 2006 suggest that the Kattegat may function as a nursery area for North Sea cod, further adding to the reasons to drastically lower the fishing pressure in this area⁴. The Scientific, Technical and Economic Committee for Fisheries (STECF) agrees with the ICES advice⁵.

The Commission states that this stock continues to be in a poor situation and therefore is subject to the annual 25% reduction in TAC stipulated by the management plan. While proposing a zero TAC for this stock in 2012, this year the Commission proposes a TAC of 100 tonnes exclusively for bycatch and states that no directed fisheries should be allowed.

Due to the very high levels of unaccounted removals of Kattegat cod, we believe it should be mandatory to use the most selective fishing gear available, and that no fishing should be allowed in protected spawning grounds and nursery areas.

Considering the critical state of the Kattegat cod stock (area IIIa East), we urge Ministers to set the TAC for 2013 at zero. In addition, we call on Ministers to make the use of selective gear, such

¹Council Regulation (EC) No 1342/2008, repealing Regulation (EC) No 423/2004.

²ICES Advice 2012, book 6, pg 3.

³ICES Advice 2012, book 6, pg 6 and 8, tables 6.4.1.1 and 6.4.1.3.

⁴Svedäng, H., Righton, D., and P. Jonsson (2006). *Return migrations of Atlantic cod (*Gadus morhua* L.) to the North Sea evidenced by archival tagging of cod off the eastern Skagerrak coast*. ICES CM 2006/Q: 06.

⁵Scientific, Technical and Economic Committee for Fisheries (STECF). Review of scientific advice for 2013, Part 2 (STECF-12-07), pg 41.

as grids in trawls targeting nephrops, mandatory. Any fisheries in that area incapable of reducing bycatch of cod to a minimum level should be closed until further measures are agreed.

Cod in division VIIa (Irish Sea)

This stock has seen a tenfold reduction in SSB since the 1980s and, since 2000, ICES has advised that this fishery should be closed until a substantial improvement has been documented. Moreover, when performing an evaluation in 2009, ICES found the management plan to be inconsistent with the precautionary approach⁶.

According to ICES, it is not possible to identify any other catch option for this stock in 2013 that is compatible with the MSY approach. The advice is that no targeted cod fishing should be allowed, while bycatch of cod should be reduced to the lowest possible level⁷. STECF agrees with the ICES advice⁸, indicating that stricter measures than a 25% reduction in fishing mortality are warranted under the recovery plan. This advice is not endorsed in the Commission's proposal, which recommends a TAC of 285 tonnes for 2013.

We urge Ministers to close the targeted cod fisheries in the Irish Sea (area VIIa) in 2013. Any fishery taking cod as bycatch also needs to be closed, unless measures are agreed to reduce bycatch and discarding of cod. We therefore ask Ministers to make the use of selective gears, such as the eliminator trawl for fisheries targeting whitefish and sorting grids in trawls targeting nephrops, mandatory in this area.

Cod in divisions VIa (West Scotland) and Vb_{1&2} (Faroe Plateau and Faroe Bank)

ICES provides separate advice for the three cod stocks in waters West of Scotland, the Faroe Plateau and the Faroe Bank, while the EU is managing them as a single unit covered by one TAC. Cod in area VIa is mostly caught as bycatch in other fisheries, while there are directed fisheries in area Vb.

In the waters **West of Scotland (VIa)**, the SSB has increased from an all-time low in recent years, but is still far below the estimated limit for 'risk of depletion'⁹. The 2005 and 2008 year classes are considered to be more abundant than the recent average, but well below the historical average. Last year, ICES stated that it is important to protect the 2008 year class to ensure that it contributes to rebuilding the stock¹⁰. However, ICES indicates in this year's advice that large quantities of the 2008 year class were discarded in 2011¹¹.

The ICES advice is that any non-zero catch for this stock would be inconsistent with the precautionary approach¹² and that catches would need to be reduced to the lowest possible level to be in accordance with the MSY approach¹³. Discard rates are very high – 92% of the total catch according to ICES¹⁴.

⁶ICES advice 2012, book 5, pg 1.

⁷ICES advice 2012, book 5, pg 3.

⁸Scientific, Technical and Economic Committee for Fisheries (STECF). Review of scientific advice for 2013, Part 2 (STECF-12-08), pg 153.

⁹ICES Advice 2012, book 5, pg 1.

¹⁰ICES Advice 2011, book 5, pg 132.

¹¹ICES Advice 2012, book 5, pg 4.

¹²ICES Advice 2012, book 5, pg 4.

¹³ICES Advice 2012, book 5, pg 4.

¹⁴ICES Advice 2012, book 5, pg 2.

In the **Faroe Plateau (Vb₁)**, most of the cod is caught in the targeted longline fishery for cod and haddock, the jigging fishery and as bycatch in the trawl fishery for saithe. There is no management plan in place for this stock, only an effort system with the aim of keeping fishing mortality at around 0.45, which is above the estimated precautionary level as well as the MSY approach.

The SSB of this stock is increasing after reaching a historical low in 2007 and is now estimated to be above the level of risk of depletion but below the precautionary level¹⁵. ICES states that the stock is overfished in relation to both MSY and the precautionary approach, but that a cod fishery could still be sustained. The advice is to reduce fishing mortality by 38% in line with the MSY approach, which translates to a TAC of 4.8 tonnes, international waters included.

It is difficult to compare this with the Commission proposal, as it only concerns the part of the stock in waters east of 12 degrees W, due to the EU management of areas VIa, Vb₁ and Vb₂ as one unit.

The cod stock in the **Faroe Bank (Vb₂)** area has reached a very low level and, since 2008, ICES has consistently advised that this fishery should be closed¹⁶. However, a closure of the cod fishery is likely to lead to high levels of discarding, as cod is a common bycatch in other fisheries. It is therefore important to ensure that any fisheries in these areas which cannot demonstrate very low levels of bycatch are also closed.

The Commission's proposal is a zero TAC for 2013 for the entire management unit, including all three stocks.

Taking into account the poor state of these stocks, we strongly advise Ministers to follow the Commission's proposal. We also urge Ministers to make the use of selective gears mandatory for fisheries targeting other species in this area, in order to minimize bycatch of cod. Moreover, we call on Ministers to advocate a better match between EU management areas and ICES areas. In this particular case, it is evident that some stocks are in a really bad condition and fishing closures are needed, while others could still sustain a small fishery.

Haddock (*Melanogrammus aeglefinus*)

The SSB for the haddock stock in **Faroe waters (division Vb)** has decreased since 2003 and has suffered from poor recruitment since 2005. ICES has advised a zero TAC for this stock since 2009.

Under the current management agreement, a fishing mortality target of 0.45 has been set, which is much higher than the 0.25 estimated by ICES for MSY and the precautionary approach. Therefore, the ICES advice is to close the directed fishery on haddock in 2013, while developing a recovery plan. Even a complete closure of this fishery will not enable the stock to recover to precautionary or MSY levels in 2014. The EU is managing this stock together with the stock in area VIa (West of Scotland).

In the waters **West of Scotland (division VIa)**, the SSB has been low in recent years and is now just above the limit of risk for reduced reproductive capacity and well below the precautionary

¹⁵ICES Advice 2012, book 4, pg 3.

¹⁶ICES Advice 2012, book 4, pg 1.

limit and the estimated MSY B_{trigger} point. Large amounts of haddock are discarded in the nephrops fisheries in this area¹⁷.

ICES is referring to an EU management proposal for this stock, including a fishing mortality target of 0.3 aiming to keep the spawning stock biomass above 30 000 tonnes, which it considers to be in accordance with the precautionary approach.

The ICES advice is to set a TAC of no more than 3 100 tonnes, in line with the MSY approach, and to improve selectivity in the nephrops fishery¹⁸. The STECF agrees with the ICES advice¹⁹.

The Commission is proposing a 55% cut for this management unit (including VIa and Vb) in order to achieve management at MSY, resulting in a TAC of 3 100 tonnes.

We call on Ministers to follow the Commission proposal of a TAC of 3 100 tonnes and to ensure that no directed fishery takes place in area Vb. We also urge Ministers to facilitate improved selectivity in the nephrops fisheries in this area.

Hake (*Merluccius merluccius*)

In the management plan for hake in **divisions VIIIc and IXa**, the targets are to recover SSB to above 35 000 tonnes by 2016 and to reduce the fishing mortality (F) to 0.27. As a result of agreed quotas consistently being overshot in the last decade, SSB is currently below and F above the agreed targets.

Due to a lack of data (Spanish data was not provided), the assessment could not be carried out in 2012, and the ICES advice for 2013 is therefore based on the 2011 assessment. For 2013, ICES advises following the transition to the MSY approach and to set a TAC of 10 600 tonnes. STECF has noted that ICES has replaced the recruitment values in the assessment for 2010 with average values (geometric mean 1989–2009), resulting in larger uncertainty for the current forecast.

The Commission is managing these divisions (VIIIc and IXa) together with area X and EU waters of CECAF 34.1.1 and is proposing a total TAC of 14 144 tonnes. Only about 200–300 tonnes are likely to be caught in Area X and the EU waters of CECAF 34.1.1.

We urge Ministers to follow scientific advice and set a TAC for southern hake in divisions VIIIc and IXa to 10 600 tonnes in 2013.

Anglerfish (*Lophiidae* sp.)

Anglerfish mature late and spawning seems to occur mainly in deep waters off the continental shelf. Any commercial catch is therefore likely to contain a high proportion of immature fish, making the stock susceptible to what is called recruitment overfishing²⁰. In order to ensure the future survival of the stock, it is therefore crucial that management measures ensure that sufficient numbers survive to reach spawning size. This is currently undermined by the minimum selling weight for anglerfish of 500 g, and a significant increase in the minimum selling weight is required to guarantee that the fish had a chance to reproduce.

¹⁷ICES Advice 2012, book 5, pg 2.

¹⁸ICES Advice 2012, book 5, pg 5.

¹⁹Scientific, Technical and Economic Committee for Fisheries (STECF). Review of scientific advice for 2013 : consolidated advice on fish stocks of interest to the European Union (STECF-12-22), pg 144.

²⁰ICES advice 2012, book 5, pg 2.

The stocks are affected by ghost fishing and high levels of discarding due to long soaking times in offshore gillnet fisheries, which target anglerfish in parts of the North Sea and of the North East Atlantic²¹. In the area west of Scotland, the majority of the catches consists of younger fish and there are indications that discarding of small anglerfish has increased in recent years.

The status of the stocks is largely unknown and no reference targets have been defined for the majority of management areas. Although some advice is provided by species, a joint TAC is usually set for both European anglerfish species (*Lophius piscatorius* and *L. buldegassa*). Due to poor reporting regulations, the species are often not separated in landings, leading to poor quality landing data.

In areas VIIIc, IX and X (North and North-West Spain, Portuguese Coast, West Portugal and Azores), fishing mortality for *L. piscatorius* has been below F_{MSY} since 2009, while *L. buldegassa* was reported to having reached F_{MSY} last year. This year, ICES is not providing information on the state of the stock or fishing mortality in relation to reference points. The Commission proposes a decrease in TAC by 16% in line with the ICES MSY advice for the combined anglerfish species.

Due to the uncertainty in data on European anglerfish stocks and the vulnerable nature of these species, we ask Ministers to follow the Commission proposal and reduce the TAC by 16% for areas VIIIc, IX and X, not exceeding 2 090 tonnes for the combined species.

Sole (*Solea solea*)

Sole in division VIIa (Irish Sea)

Sole in the Irish Sea is in a desperate state: landings have decreased from a peak of 2 800 tonnes in 1987 to about 330 tonnes in 2011. The Spawning Stock Biomass is below above the level of risk of depletion (B_{lim}), even though fishing mortality is below the associated level (F_{lim})²². Additionally, this fishery has a significant impact on benthic communities caused by beam-trawling and discarding of both commercial and non-commercial species.

Both ICES and STECF have advised that no directed fishery should take place and that bycatch and discarding should be minimised. The Commission is proposing a closure of the directed fishery for sole in this area and a “bycatch quota”²³ of 60 tonnes. While we understand the logic behind setting a bycatch quota, we maintain that the focus should be on avoiding bycatch through technical measures, including gear adaptations and (real-time) closures.

We urge Ministers to follow the scientific advice and set a zero TAC for sole in the Irish Sea.

Sole in divisions VIIIa and b (Bay of Biscay)

While the biomass of sole in the Bay of Biscay is above the precautionary level following the implementation of a management plan, the fishing mortality is currently above the agreed precautionary target. In addition, recruitment values have been among the lowest since 2004 (except in 2009) and discards are not included in the assessment.

²¹ICES advice 2012, book 5, pg 3.

²² B_{lim} is a minimum level of spawning stock biomass, below which the risk that the stock will suffer from severely reduced productivity is high. F_{lim} is the estimated limit fishing mortality that would prevent the stock from falling below B_{lim} .

²³Bycatch quotas are intended to cover the catch of a particular species in fisheries targeting other species, and are generally set too low to allow for a targeted fishery of that species.

Unfortunately the management plan does not provide any basis for TAC advice now that the stock has reached the agreed precautionary SSB target of 13 000 tonnes. Following the ICES transition scheme for MSY, F should be set at 0.31 resulting in a TAC of 3 500 tonnes for 2013. This is in line with the maximum variation of 15% for inter-annual TAC changes set out in the management plan. The Commission proposes a TAC of 3 000 tonnes in order to achieve F_{MSY} by 2013, which we welcome.

We ask Ministers to support the Commission proposal for a TAC of 3 000 tonnes for sole in divisions VIIIa and b.

Nephrops (*Nephrops norvegicus*)

The nephrops trawl fishery in some areas has significant bycatch and discard of undersized fish, including small nephrops, cod, haddock and whiting. Additionally, the bottom trawl operations targeting nephrops potentially reduce the carrying capacity for nephrops burrows by changing the consistency of the sediment, thus reducing the possibilities of stock recovery. The impact of nephrops trawl fisheries can be reduced by promoting a shift towards creel fisheries and improving trawl selectivity through gear adaptations.

Scientific assessment of nephrops relies heavily on trends from landing data, landings per unit of effort (LPUE) and surveys. It is important to note that nephrops stocks can fluctuate significantly due to environmental conditions and this adds an additional level of uncertainty to long-term stock assessment²⁴. The areas ICES provides advice for do not match the management areas used by the Commission and both ICES and STECF have repeatedly recommended that these stocks are managed on the level of Functional Units (FU).

Nephrops in divisions VIIIabde (Bay of Biscay and Western Iberian Seas)

For divisions **VIII d and e**, there are no reported nephrops landings and the latest information for this stock is from 2002. The ICES advice for these divisions for 2013 is zero catch.

This year, ICES provides quantitative advice for the data limited nephrops stocks in divisions **VIII a and b** (FU 23 and 24) for the first time. Based on indicative trends, the SSB has increased slightly and F declined in recent years, while recruitment has deteriorated. ICES advises a TAC of 3 200 tonnes for 2013 and STECF agrees with this advice.

We urge Ministers to support the Commission proposal which is in line with the scientific advice and set the TAC for nephrops in VIIIabde to 3 200 tonnes, while ensuring that no directed fishery takes place in area VIII d e. This would require a division of the current management area VIIIabde into two areas (VIII a and b; VIII d and e), aligning it with the areas used in the scientific advice.

Nephrops in division VIII c (North Galicia and Cantabrian Sea)

The ICES advice on nephrops in division VIII c is divided into two functional units: FU 25 and 31. The recovery plan covering divisions VIII c and IX a was applied from 2006, and aims at a breeding biomass of over 35 000 tonnes for two consecutive years, through an annual reduction of fishing mortality of 10%. This recovery plan has not been evaluated by ICES. However, there has been a downward trend in landings and landings per unit effort (LPUE) for both units over

²⁴Gonzalez Herraiz *et al.* (2009). The NAO index and the long-term variability of *Nephrops norvegicus* population and fishery off West of Ireland. *Fisheries Research* 98: 1–7.

the past 10 years. In addition, STECF notes that even with decreased effort and reduced landings, the stock trends have not improved and the TAC has not been taken for several years. Due to a lack of data it has not been possible for ICES to update the 2010 assessment of these stocks.

In order to reverse the stock decline, ICES advises a zero catch for nephrops in this division, as it has done since 2002, and STECF agrees with this advice. The Commission, on the other hand, proposes a TAC of 74 tonnes.

We urge Ministers to follow the scientific advice and set the TAC for nephrops in VIIIc to zero.

Nephrops in divisions IXa, X and EU waters of CECAF 34.1.1 (Portuguese Coast, West Portugal and Azores)

This is an area where the mismatch between management and advice areas is causing particular problems. The EU sets a joint TAC including several of the Functional Units used in the scientific advice, for which the advice is very different. This has historically resulted in increased fishing effort in areas where a zero TAC was advised.

Landings have decreased in all FUs in these divisions over the last 30 years, and all information indicates that all stocks are at a very low abundance level. Applying the new ICES approach for data limited stocks, ICES advises a zero TAC for FU 26 and 27, 110 tonnes for FU 28 and 29, and 90 tonnes for FU 30. This would result in a combined TAC of 200 tonnes for divisions IX and X, but it would also allow exploitation of nephrops in FU 26 and 27, where zero catch is advised.

We therefore urge Ministers to set a zero TAC for nephrops in area IX, X, and CECAF 34.1.1 until the management area is adapted to the functional units used in the scientific advice.